

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 671 - SB 1048

March 15, 2015

SUMMARY OF ORIGINAL BILL: Prohibits the use of telemarketing or telephone solicitation by a licensed chiropractor or an employee or agent of a licensed chiropractor to victims of an accident or disaster within 30 days of such accident or disaster. Any chiropractor in violation of this provision may be subject to denial, suspension, or revocation of licensure. Requires any telemarketing transcripts and associated log of contacts to be kept for two years following any telemarketing encounter.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (003934): Rewrites Section 1 of the bill to prohibit the use of in person solicitation, telemarketing or telephone solicitation by a licensed chiropractor, an employee, agent, or independent contractor of a licensed chiropractor to victims of an accident or disaster within 30 days of such accident or disaster. Any chiropractor in violation of this provision may be subject to denial, suspension, or revocation of licensure. Requires any telemarketing transcripts and associated log of contacts to be kept for two years following any telemarketing encounter. Establishes that this prohibition does not apply to contact made with a victim with whom a licensee has a family or prior professional relationship. Authorizes the Board of Chiropractic Examiners to petition any circuit or chancery court having jurisdiction to enjoin any person who is in violation of these provisions. States that no injunction bond shall be required by the Board in such proceedings, and jurisdiction is conferred upon the circuit and chancery courts of this state to hear such cases.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 63-4-114(5), solicitation made in person or telephonically by a licensed chiropractor, or agent or employee of such character, of a patient with whom no prior family or professional relationship exists is prohibited; however, this does not apply to direct mail advertising or other forms of advertising that does not involve coercion, duress, or harassment and is not false, deceptive, or misleading.

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- Any chiropractor in violation of this act could face a loss of licensure; however, it is assumed that a chiropractor will practice reasonable caution to avoid making unsolicited calls as prohibited by this legislation and that any increase in disciplinary action taken by the Board of Chiropractic Examiners will not be significant.
- There will be no significant increase in court cases as a result of this legislation.
- Any necessary rulemaking can be completed during regularly scheduled Board meetings.
- Pursuant to Tenn. Code Ann. § 4-29-121, all health related boards are required to be self-supporting over any two-year period.
- The Board had an annual surplus of \$91,791 in FY12-13, an annual surplus of \$43,191 in FY13-14, and a cumulative reserve balance of \$476,752 on June 30, 2014

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Jeffrey L. Spalding", written in a cursive style.

Jeffrey L. Spalding, Executive Director

/jdb